


in the Warner patent is the opposite of the claimed invention. Column 7, lines 20-29 specifically teaches that the outer annulus (D3 - D5) of the optical area is treated to enhance the far vision properties of the eye with the central area (D5) being treated for near vision properties. This explanation is diametrically opposite to the claimed invention wherein the near vision properties are treated in the outer region and the far vision properties are treated in the central region. The Applicant thus respectfully submits that the claimed invention is not anticipated by or obvious in view of the Warner '695 reference.

The Examiner rejected the remaining claims as being obvious in view of Warner in view of Ruiz '877 or as being obvious in view of Warner '695. The Applicant respectfully submits that the remaining claims are patentable in view of the patentability of the two independent claims under examination at this time.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowability. If any issues remain after this amendment, please call Fred H. Zollinger, III at (330) 244-1174.

Respectfully submitted at Canton, Ohio this 10th day of February, 2003.

SAND & SEBOLT

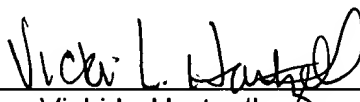


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CERTIFICATE OF MAILING

I hereby certify that this correspondence (Amendment A in response to paper number 6 dated October 8, 2002 in application serial no. 09/752,273 filed December 29, 2000) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231,
on this 10th day of February, 2003.



Vicki L. Hartzell

Amended Claims With Markings to Show Amendment

2. (Once amended) The system of claim 1, wherein the laser is [a LASIK] an excimer laser.